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UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

EDWARD ACKERMAN, : CIVIL NO. 1:CV-01-1048
Petitioner :
 : (Judge Caldwell)
vs. :
 :
JOHN McCULLOUGH, :
Respondent :

FILED
HARRISBURG

OCT 05 2001

MARY E. D'ANDREA, CLERK
Per 918
DEPUTY CLERK

COMMONWEALTH'S ANSWER TO
DEFENDANT'S HABEAS CORPUS PETITION/
COMMONWEALTH'S MOTION TO DISMISS PETITION

1. The Defendant filed this habeas corpus petition on June 13, 2001.
2. June 6, 2000, was the date of the final judgment of Defendant's case. This was an order from the Pennsylvania Supreme Court denying certiorari. Defendant appealed the denial of Defendant's Post-Conviction Proceeding (Exhibit A).
3. The Commonwealth moves to dismiss this petition as untimely. 28 U.S.C. 2244(d)(1)A.

Respectfully submitted,

Karen Byrnes-Noon
KAREN BYRNES-NOON
ASSISTANT DISTRICT ATTORNEY
I.D. No. 44261
SCHUYLKILL COUNTY COURTHOUSE
401 NORTH SECOND STREET
POTTSVILLE, PA 17901
(570) 628-1350

EXHIBIT A



Supreme Court of Pennsylvania Middle District

IRENE M. BIZZOSO
DEPUTY PROTHONOTARY
SHIRLEY BAILEY
CHIEF CLERK

June 6, 2000

434 MAIN CAPITOL BUILDING
P.O. BOX 624
HARRISBURG, PENNSYLVANIA 17108
(717) 787-6181
<http://www.courts.state.pa.us>

TO: Edward Ackerman

RE: COMMONWEALTH OF PENNSYLVANIA

RESPONDENT

V.

EDWARD ACKERMAN

PETITIONER

No. 0095 M.D. Allocatur Docket 2000

Dear Counsel:

This is to advise you that the attached order has been entered on the Petition for Allowance of Appeal filed in the above-captioned matter.

Very truly yours,
Office of the Prothonotary
Supreme Court of Pennsylvania

/eh

c: Hon. D. Michael Stine
Schuylkill; 84 OF 1992
Criminal Division
Karen Byrnes-Noon, Esquire

IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 0095 M.D. Alloc. Dkt. 2000

Respondent

: Petition for Allowance of Appeal from
: Superior Court

v.

EDWARD ACKERMAN,

Petitioner

ORDER

PER CURIAM

AND NOW, this 6th day of June, 2000, the petition for allowance of appeal and the "Motion for appointment of counsel" are denied.

TRUE & CORRECT COPY

ATTEST:

JUN 06 2000


SHIRLEY J. PHIPPS
APPELLATE CLERK

UNITED STATES DISTRICT COURT
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	:	(Judge Caldwell)
vs.	:	
	:	
JOHN McCULLOUGH,	:	
Respondent	:	

CERTIFICATION OF SERVICE

I hereby certify that I am this day serving a copy of the foregoing Commonwealth's Answer to Defendant's Habeas Corpus Petition/Commonwealth's Motion to Dismiss Petition upon the person and in the manner indicated below:

Service by first class mail on:

Edward Ackerman, #CW-5843
SCI - Houtzdale
P. O. Box 1000
Houtzdale, PA 16698

October 4, 2001

Karen Byrnes Noon
KAREN BYRNES NOON
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